

VIRGINIA: AT AN AJDOURNED MEETING OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS HELD ON JANUARY 14, 2014, at 7:30 P.M.

PRESENT: BERNARD L. JONES, SR., CHAIRMAN; WELTON TYLER, VICE-CHAIRMAN; JOHN CATALDO, BARBARA J. DRUMMOND, DENISE C. WILLIAMS, MEMBERS; DR. CHARLETTE T. WOOLRIDGE, COUNTY ADMINISTRATOR/CLERK; TAMMY W. NEWCOMB, DEPUTY CLERK; JEFFREY GEIGER, COUNSEL;

Re: Call to Order

The Chairman called the meeting to order.

Re: Approval of Agenda

Upon motion of Mr. Tyler, seconded by Ms. Drummond, and unanimously carried, the Board approved the agenda as presented.

Ayes: Cataldo, Jones, Tyler, Williams, Drummond; Nays: None.

Re: Update on Utility Easement Agreements

Joan Moore, Executive Director, Brunswick County Industrial Development Authority, provided an update regarding the utility easement agreements. She stated that agreements have been reached with five (5) of the seven (7) remaining property owners. As a result, two properties will require acquisition through the condemnation process.

Re: Resolution of the Brunswick County Board of Supervisors Authorizing the Acquisition of Property Interests in Real Estate for Utility Purposes

Mr. Jeffrey Geiger, Sands Anderson PC, presented the amended resolution as follows:

**RESOLUTION OF THE BRUNSWICK COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE ACQUISITION OF INTERESTS IN
REAL ESTATE FOR UTILITY PURPOSES**

WHEREAS, the County of Brunswick (the "County") is in the process of extending water and sewer lines along State Route 58 (the "Project" or the "Utility Improvements"); and

WHEREAS, pursuant to Sections 15.2-1901, 15.2-1901.1 and 15.2-1902 of the *Code of Virginia*, 1950, as amended, the County is authorized to acquire land and/or easements by condemnation to be used in the construction of the Utility Improvements; and

WHEREAS, the County is vested with the power of eminent domain for the acquisition of lands and/or easements for the purposes of such Utility Improvements; and

WHEREAS, the Board finds that it is necessary to obtain certain interests in real estate consisting of permanent water and sewer line easements over, under, across and through, portions of certain real property adjacent to State Route 58 (the “Easements”) for the proposed Utility Improvements; and

WHEREAS, the Easements are located in the Totaro Magisterial District of Brunswick County and identified as Brunswick County Tax Map Numbers 54-83, 55-14 (G), 55-14 (B), 55-14 (C), 55-46, 55-46 (A), and 55-44 (A), and depicted on the plats of survey attached hereto; and

WHEREAS, it is necessary and essential that the Easements be acquired as soon as possible in order to begin construction of the Utility Improvements and to meet funding requirements for the Project; and

WHEREAS, previous efforts to purchase some of the Easements from the owners of record of the Real Property (the “Owners”) have been unsuccessful;

WHEREAS, certain of the Owners of the Easements are not presently known;

NOW THEREFORE, BE IT RESOLVED, that the Brunswick County Board of Supervisors hereby approves and adopts the following:

(1) The Brunswick County Board of Supervisors declares that it is essential and necessary for the immediate acquisition of **those Easements that have not yet been acquired** ~~the Easements by the County~~ for the purpose of constructing the Utility Improvements.

(2) The Brunswick County Board of Supervisors authorizes and directs its counsel, Sands Anderson PC, should it be unable to obtain clear title to **those Easements that have not yet been acquired** ~~the Easements~~ by voluntary conveyance, to initiate and prosecute legal proceedings to acquire **such** ~~the~~ Easements by eminent domain, including without limitation, the filing of a certificate as provided for in *Virginia Code* § 25.1-300 and an immediate right of entry to **such** ~~the~~ Easements.

(3) The Brunswick County Board of Supervisors directs its counsel to send notice to the Owners **of those Easements that have not yet been acquired** by certified mail within **seven**five days after entry of this Resolution, as provided for in *Virginia Code* § 15.2-1905, for the immediate entry onto the Easements. In addition, notice is hereby given of the County's intent to enter and acquire **those Easements that have not yet been acquired** ~~the Easements~~ and that the following compensation is offered to the **Owners of the Easements who are not presently known** ~~owners of the real property in which the Easements lie:~~

Tax Map No.	Acres	Offer
54-83	1.234	\$2,499.50
55-14(G)	0.092	\$1,000.00
55-14(B)	0.092	\$1,000.00
54-14(C)	0.092	\$1,000.00
55-46	1.538	\$2,448.50
55-46A	0.719	\$1,144.67
55-44A	0.314	\$703.36

(4) This Resolution shall be effective immediately.

Upon motion of Mr. Tyler, seconded by Ms. Drummond, and unanimously carried, the Board adopted the amended resolution as presented.

Ayes: Cataldo, Tyler, Williams, Drummond, Jones; Nays: None.

Re: Adjourn

Upon motion of Mr. Tyler, seconded by Ms. Drummond, and unanimously carried, the Board adjourned until January 16, 2014, at 6:30 p.m. in the auditorium of the County Government Building.

Ayes: Cataldo, Drummond, Tyler, Williams, Jones; Nays: None.

Hon. Bernard L. Jones, Sr. Chairman

Charlette T. Woolridge, Ph.D., Clerk